

UNITED STATES DISTRICT COURT

for the

Northern District of Oklahoma

United States of America

v.

LORENA MORENO

Defendant(s)

Case No.

10-mj-58-TLW

**FILED**

APR 23 2010

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 10, 2010 in the county of Tulsa in the  
Northern District of Oklahoma, the defendant(s) violated:

Code Section

Offense Description

U.S.C. 21, Section 841(a)(1)

Possession With Intent to Distribute a Controlled Substance (cocaine).

This criminal complaint is based on these facts:

X Continued on the attached sheet.

Matthew C. McCull

Complainant's signature

MATTHEW C. McCULL - SPECIAL AGENT

Printed name and title

Sworn to before me and signed in my presence.

Date: 4/23/10

City and state: Tulsa, Oklahoma

T. Lane Wilson

Judge's signature

T. Lane Wilson United States Magistrate Judge

Printed name and title

1  
2 UNITED STATES OF AMERICA  
3 FOR THE NORTHERN DISTRICT OF OKLAHOMA

4 AFFIDAVIT

5 I, the undersigned, being duly sworn, depose and say as follows:  
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7 1) I, Matthew C. McCullough, hereafter referred to as Affiant, am a Special  
8 Agent (SA) of the Federal Bureau of Investigation (FBI). I am currently assigned to the  
9 Tulsa Resident Agency of the FBI, where I investigate violations of federal criminal law.  
10 Affiant has been a law enforcement officer since May of 1993. Affiant was a police officer  
11 with the Oklahoma City Police Department from 1993 to 1999. Affiant has been a Special  
12 Agent of the FBI since 1999. Affiant was assigned to the Santa Fe Resident Agency of the  
13 FBI from August of 1999 to March of 2008. During his assignment at the Santa Fe Resident  
14 Agency, Affiant investigated violations of federal law to include, Crimes on Indian Land,  
15 public corruption, organized crime and narcotics trafficking. Your Affiant was assigned to  
16 the Tulsa Resident Agency in March of 2008. Affiant is currently assigned to the Tulsa  
17 County Sheriffs Office (TCSO) Drug Task Force.

18 2) Affiant has received training in matters concerning the investigation of  
19 narcotics trafficking from the FBI and Drug Enforcement Administration (DEA).

20 3) The information set forth in this Affidavit is known to me by other law  
21 enforcement personnel or through my own investigation.

22 4) On March 9, 2010, Tulsa County Sheriffs Office (TCSO) Drug Task  
23 Force Officers (TFOs) initiated a cocaine trafficking investigation in Tulsa County,  
24 Oklahoma after receiving information from a confidential Source (CS) that indicated a  
25 Hispanic male was going to deliver a kilo of cocaine to a customer in or around a restaurant  
26 at 31st and Mingo called Vellasartes. The cocaine transaction was to take place on the  
27 following day, March 10, 2010, at approximately 10:20 a.m. The CS identified apartment  
28 #1005, at the Heatherstone Apartments, 9741 E. 33rd Street, Tulsa, Oklahoma, within the

1 Northern District of Oklahoma, as being the residence of the Hispanic male who was  
2 supposed to deliver the cocaine.

3           5) On March 10, 2010, TFOs established a surveillance of the Hispanic  
4 male's apartment and the Vellasartes Restaurant, located at 9467 E. 31st Street, Tulsa,  
5 Oklahoma. At approximately 10:15 a.m., TFO Holycross observed a Hispanic male, who  
6 was later identified as Hendri Lopez-Fuentes, leave the apartment and go to the back  
7 parking lot of the complex. TFO Rusty Pope saw Lopez-Fuentes get into a gold Chevrolet  
8 Z71 Avalanche. TFOs then followed Lopez-Fuentes after he exited the complex and  
9 traveled to the Vellasartes restaurant where he went inside. After a short time, Lopez-  
10 Fuentes was observed exiting the restaurant and getting into a white Chevrolet sports utility  
11 vehicle (SUV) that was parked in the restaurant parking lot. Lopez-Fuentes was then  
12 observed getting into the white SUV and leaving the parking lot.

13           6) TFOs followed Lopez-Fuentes as he traveled east on E. 31st street. As  
14 Lopez-Fuentes traveled, TCSO Corporal (Cpl.) Jeff Organ observed that the vehicle Lopez-  
15 Fuentes was driving had an expired tag and had failed to signal a lane change in the 10200  
16 block of E. 31st Street. Cpl. Organ initiated a traffic stop of Lopez-Fuentes by engaging the  
17 emergency overhead lighting of the marked patrol unit he was driving. Lopez-Fuentes came  
18 to a stop in the parking lot of the Quiktrip convenience store at 10220 East 31st street. Cpl.  
19 Organ contacted the driver and sole occupant of the vehicle, Hendri Lopez-Fuentes. Lopez-  
20 Fuentes could not produce a valid driver's license or insurance verification. Cpl. Organ  
21 placed Lopez-Fuentes under arrest for having no drivers license and secured Lopez-Fuentes  
22 in his patrol unit.

23           7) During a pre-impoundment inventory search of the vehicle Lopez-Fuentes  
24 was driving, Cpl. Organ observed a black box sticking out from under the driver's seat.  
25 When Cpl. Organ opened the box, he observed it to contain two plastic bags which were  
26 filled with a white, powdery substance. Cpl. Organ conducted a field test of a small portion  
27 of the substance from each of the bags with positive results for cocaine. Each of the bags  
28 containing the white, powdery substance were later weighed with resulting approximate

1 weights of 563.4 Grams and 451.8 Grams reportedly.

2 8) As the surveillance and traffic stop of Lopez-Fuentes was taking place,  
3 TFOs maintained surveillance on the apartment where Lopez-Fuentes had been seen leaving  
4 earlier. Following the traffic stop of Lopez-Fuentes, TFOs approached the apartment and  
5 made contact with a Hispanic female identified as Lorena Moreno. After Moreno identified  
6 herself as a resident of the apartment, TFOs secured the apartment for safety and to ensure  
7 no other subjects were present inside. Moreno was detained at the scene as TFO Holycross  
8 prepared and obtained a search warrant which was authorized by a Tulsa County District  
9 Court Judge.

10 9) TFO Holycross interviewed Moreno prior to the execution of the search  
11 warrant. Moreno waived her rights and TFO Holycross asked Moreno if there were any  
12 illegal narcotics in her residence. Moreno told TFO Holycross "if there is, it's not mine."  
13 Moreno told TFO Holycross that she lived at the apartment with her boyfriend, Hendri  
14 Lopez-Fuentes, and Lopez-Fuentes uses cocaine.

15 10) During the search of the apartment, the following items of evidence were  
16 located:

17 - In the master bedroom of the apartment, a black box was located which had  
18 a white powder residue on the lid. The black box was on top of a table in the bedroom in  
19 plain view. The box contained three baggies which contained a white powdery substance. A  
20 small portion of the substance from the baggies field tested positive for cocaine. The black  
21 box also contained numerous small, plastic zip-lock baggies.

22 - On top of a mattress that was leaned against the wall, three additional small  
23 baggies containing a white, powdery substance were located. A portion of the substance  
24 from each of the baggies later field tested positive for cocaine.


25 - A small, digital scale.

26 11) The total approximate weight of the white, powdery substance found in  
27 the baggies in Moreno and Lopez-Fuentes's residence was 129.7 grams.

28 12) During the search of the apartment shared by Lopez-Fuentes and Lorena

1 Moreno, residency papers were located which confirmed them to be the residents at 9741 E.  
2 33rd St, Apartment #1005, Tulsa, Oklahoma.

3 13) In light of the above information, it is believed probable cause exists to  
4 charge Lorena Moreno with Possession With Intent to Distribute a Controlled Substance in  
5 violation of U.S.C. 21, Section 841(a)(1).

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7   
8 Matthew C. McCullough  
9 Special Agent  
10 Federal Bureau of Investigation  
11 Tulsa, Oklahoma

12 Subscribed and sworn to before me this 23<sup>rd</sup> day of April, 2010.

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15 U.S. Magistrate  
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